

CAUSE NO. C-2917-16-B

JORGE GARCIA, Individually and on behalf of the Estate of ABRAHAM GARCIA, deceased, LUIS ROGELIO PUENTE MARTELL, Individually and on behalf of the Estate of LUIS ROGELIO PUENTE VILLELA, deceased, OLIVIA MIRIAM VILLELA ORTIZ, Individually, and DANIELLA BARAJAS Individually and on behalf of the Estate of AURELIANO BARAJAS, ANTONIO BARAJAS, Individually
 Plaintiffs,

JEANETTA IZELA GARCIA FASSION, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF AURELIANO BARAJAS, DECEASED, AND AS NEXT FRIEND OF AURELIANO BARAJAS GARCIA, A MINOR, INDIVIDUALLY, AND ANDRES BARAJAS GARCIA, A MINOR, INDIVIDUALLY,
 Intervenors,

v.

LYCOMING ENGINES, A DIVISION OF AVCO COPORATION, AND AVCO CORPORATION; TEXTRON AVIATION, INC., CESSNA AIRCRAFT COMPANY; MCCREERY AVIATION COMPANY INC.; AVIATION MANUFACTURING COMPANY, INC. AND INTERSTATE SOUTHWEST LTD.
 Defendants.

IN THE DISTRICT COURT

OF HIDALGO COUNTY, TEXAS

93RD JUDICIAL DISTRICT

PLAINTIFF'S PETITION IN INTERPLEADER AND DECLARATORY JUDGMENT ACTION

COMES NOW, **Webster Vicknair MacLeod**, hereinafter also called Interpleading Plaintiff, and file its Petition in Interpleader and Declaratory Judgment Action, complaining of **The**

Garcia Law Group PLLC and **Brook Hollow Capital LLC**, and for cause of action would show unto the Court the following:

I.
JURISDICTION AND VENUE

1.1 This interpleader action arises from a dispute between rival interests seeking attorney's fees earned in the above styled and numbered cause.

1.2 This Court has jurisdiction over the subject matter and the parties.

1.3 Venue is proper in Hidalgo County as the attorney's fees in dispute were earned through the confidential settlement of the above styled and numbered cause which is still pending in the 93rd District Court of Hidalgo County.

II.
PARTIES AND SERVICE

2.1 Plaintiffs and Intervenor in the above referenced matter are all residents of Mexico who filed wrongful death and survival claims as Plaintiffs and Intervenor in the 93rd Judicial District Court of Hidalgo County. The Webster Law Firm was their counsel.

2.2 Interpleading Plaintiff, **Webster Vicknair MacLeod (WVM)** is a Texas based law firm with its principal office located in Houston, Harris County, Texas. **Webster Vicknair MacLeod** represented Plaintiffs and Intervenor and settled all of the Plaintiffs' and Intervenor's claims. Settlement funds, including attorneys' fees earned, were deposited in the **Webster Vicknair MacLeod's** IOLTA account.

2.2 Defendant in Interpleader, **The Garcia Law Group PLLC (GLG)**, is a law firm with its primary office in McAllen, Hidalgo County, Texas. **The Garcia Law Group PLLC** may be served by serving Maria Garcia Davila at the following address: 3700 N. 10th Street, McAllen, Texas 78501 Suite #210.

2.3 Defendant In Interpleader, **Brook Hollow Capital LLC (BHC)**, is a foreign Limited Liability Company which conducts substantial business in the State of Texas, but is not registered to do business in the State of Texas. Therefore, **Brook Hollow Capital LLC** may be served by serving the Secretary of the State of Texas with forwarding of this Petition in Interpleader to Tate Johnson, President and Chief Operating Officer, 161 N. Clark, Suite 2925, Chicago, Illinois .

III. **FACTS**

- 3.1 **WVM** represented Plaintiffs and Intervenor in the above styled and referenced matter.
- 3.2 In November, 2023, the case settled for a confidential sum during trial.
- 3.3 Defendants and their insurers have paid all settlement funds, including attorney's fees, to **WVM** and **WVM** deposited all settlement funds into its IOLTA account.
- 3.4 The above-referenced matter is still pending in the 93rd Judicial District Court of Hidalgo County as minor settlement hearings need to be completed before the case is dismissed. Thus, this court continues to have jurisdiction over the settlement funds and the parties.
- 3.5 **MLG** and **WVM** entered into a Power of Attorney agreement with Plaintiffs and Intervenor.
- 3.6 According to the Power of Attorney, attorneys' fees earned in the case were split between **MLG** and **WVM**.
- 3.7 A dispute has arisen over attorneys' fees earned by **MLG** which are still in **WVM's** IOLTA account.
- 3.8 **MLG** has demanded **WVM** to pay it the attorney's fees it earned in accordance with the terms of the Power of Attorney.
- 3.9 **BHC** claims to have a lien interest in the attorneys' fees earned by **MLG** and has demanded **WVM** pay **BHC** the attorneys' fees earned by **MLG**.

3.10 **WVM** claims no interest in the attorneys' fees earned by **MLG** but does not know who to pay between rival interests demanding payment to them.

VII.
INTERPLEADER and DECLARATORY JUDGMENT

4.1 Pursuant to Rule 37 of the Texas Rules of Civil Procedure, **WVM** claims no interest in the attorneys' fee earned by **MLG** in the above styled and numbered cause and, asks the court to declare **WVM** as an innocent holder of the settlement funds, and order payment to **MLG** and/or **BHC** in accordance with the Court's findings.

4.2 Pursuant to 1.14(c) of the Texas Disciplinary Rules of Professional Conduct and the confidentiality agreements entered into by Plaintiffs, Intervenor and Defendants, **WVM** will not disclose the amount of disputed funds in this petition and will retain the attorney fees' in its IOLTA account pending further orders of this Court.

4.3 **WVM** seeks its reasonable attorney's fees and costs of court incurred as a result of having to file this Interpleader action.

WHEREFORE, premises considered, **Webster Vicknair MacLeod**, Interpleading Plaintiff herein pray that the Court enter judgment declaring the rights and obligations of the parties, attorneys' fees and costs of court, and for all other relief that the court deems just and equitable.

Respectfully submitted,

/s/ Jason C. Webster
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INTERPLEADING PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon all counsel of record in accordance with the T.R.C.P., on this the 13th day of December 2023.

/s/ Jason C. Webster

Jason C. Webster

Automated Certificate of eService

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Jason Webster on behalf of Jason Webster

Bar No. 24033318

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DECLARATORY JUDGMENT ACTION

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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jason C. Webster		filing@thewebsterlawfirm.com	12/13/2023 4:46:01 PM	SENT